

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
112843-035

In Re Application Of: **Jann et al.**

#3

Serial No.
09/979,533

Filing Date
November 19, 2001

Examiner
Unknown

Group Art Unit
Unknown

Title:

METHOD FOR INCREASING THE PRODUCTION OF PROPIONATE IN THE GASTROINTESTINAL TRACT
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Transmittal Letter (duplicate); Executed Declaration; Copy of Notification of Missing Requirements; Check in the Amount of \$130.00; Return Receipt Postcard

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of **\$130.00** is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.


Signature

Dated: **February 22, 2002**
Robert M. Barrett (30,142)
ATTORNEYS FOR APPLICANTS
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, Illinois 60690-1135
03/12/2002 HNGUYEN 00000124 09979533
01 FC:154
130.00 OP

I certify that this document and fee is being deposited on **2/22/2002** with the U.S. Postal Service as first class mail under 39 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence
Robert J. Buccieri
Typed or Printed Name of Person Mailing Correspondence

CC:

FORM PTO-1390 (Modified) (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 112843-035	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 09/979,533	
INTERNATIONAL APPLICATION NO. PCT/EP00/04744		INTERNATIONAL FILING DATE 19 May 2000		PRIORITY DATE CLAIMED 20 May 1999	
TITLE OF INVENTION METHOD FOR INCREASING THE PRODUCTION OF PROPIONATE IN THE GASTROINTESTINAL TRACT					
APPLICANT(S) FOR DO/EO/US Jann et al.					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: <ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). <p>Items 13 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A change of power of attorney and/or address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 22. <input type="checkbox"/> Certificate of Mailing by Express Mail 23. <input checked="" type="checkbox"/> Other items or information: <div style="margin-left: 40px;"> Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office Return Receipt Postcard </div> 					

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53) 09/979,533	INTERNATIONAL APPLICATION NO. PCT/EP00/04744	ATTORNEY'S DOCKET NUMBER 112843-035
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24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="height: 100px;"></td></tr> </table>					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%; text-align: right;">\$0.00</td><td style="width:50%;"></td></tr> <tr><td style="text-align: right;">\$130.00</td><td></td></tr> </table>		\$0.00		\$130.00	
\$0.00									
\$130.00									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE						
Total claims	- 20 =	0	x \$18.00	\$0.00					
Independent claims	- 3 =	0	x \$84.00	\$0.00					
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				\$0.00					
TOTAL OF ABOVE CALCULATIONS =				\$130.00					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.				\$0.00					
SUBTOTAL =				\$130.00					
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00					
TOTAL NATIONAL FEE =				\$130.00					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00					
TOTAL FEES ENCLOSED =				\$130.00					
				Amount to be:	\$				
				refunded					
				charged	\$				

- a. ☒ A check in the amount of **\$130.00** to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **02-1818** A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: <div style="border: 1px solid black; padding: 5px;"> Robert M. Barrett, Esq. Bell, Boyd & Lloyd LLC P.O. Box 1135 Chicago, Illinois 60690-1135 Tel: (312) 807-4204 </div>	<div style="text-align: center;"> </div> <div style="border-top: 1px solid black; margin-top: 5px;">SIGNATURE</div> <div style="border-top: 1px solid black; margin-top: 5px;">Robert M. Barrett</div> <div style="border-top: 1px solid black; margin-top: 5px;">NAME</div> <div style="border-top: 1px solid black; margin-top: 5px;">30,142</div> <div style="border-top: 1px solid black; margin-top: 5px;">REGISTRATION NUMBER</div> <div style="border-top: 1px solid black; margin-top: 5px;">February 22, 2002</div> <div style="border-top: 1px solid black; margin-top: 5px;">DATE</div>
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/979,533	Jann	112843-035
INTERNATIONAL APPLICATION NO.		
PCT/EP00/04744		
I.A. FILING DATE	PRIORITY DATE	
05/19/2000	05/20/1999	

Robert M Barrett
 Bell Boyd & Lloyd
 PO Box 1135
 Chicago, IL 60690-1135

CONFIRMATION NO. 5939

371 FORMALITIES LETTER



OC000000007229128

DUE: 2-26-02

Date Mailed: 12/26/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED
 BELL, BOYD & LLOYD
 INTELLECTUAL PROPERTY DOCKET

JAN - 2 2002 Tk

ATTY: RMB
 DOCKET #: 112843-035

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 r 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/979,533	PCT/EP00/04744	112843-035